

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No.: 1:19-cv-12551 FDS

**DECLARATION OF ANDREW BRUNS IN SUPPORT OF DEFENDANT
GOOGLE LLC'S REPLY IN SUPPORT OF ITS MOTION FOR PROTECTIVE ORDER**

I, Andrew Bruns, declare and state as follows:

1. I am an attorney licensed to practice law in the State of California and admitted to practice before this Court. I am an attorney at the law firm of Keker, Van Nest and Peters, LLP and counsel for Defendant Google LLC, (“Google”) in the above-captioned action.

2. I make this Declaration in support of Google’s Reply Brief in Support of its Motion for Protective Order. I have personal knowledge of the facts stated herein and, if called as a witness, I could testify to them competently under oath.

3. It has now been 85 days since Google first provided Singular with its proposed ESI search terms. As of the filing of Google’s Motion for a Protective Order on March 26, 2021, Singular’s delays in providing hit counts for Google’s search terms totaled 43 days. At that time, Google had been waiting 15 days for a response from Singular regarding hit counts related to a new, narrowed set of search terms. After filing, Google continued to wait, without any update from Singular, until April 7 (another 12 days). But the counts Singular provided on April 7 contained obvious discrepancies that are impossible to square with the prior counts Singular has provided. Google asked Singular to address these issues in an email dated April 12, 2021. Singular has yet to respond to that message. All told, it has now been 85 days since Google first provided Singular with its initial set of proposed ESI search terms on January 20, 2021. Fifty-eight of those 85 days—more than 2/3rd of that period—have elapsed while Google waited on Singular to provide hit counts so that the parties could agree on a final list of search terms.

4. Attached as **Exhibit A** is a true and correct copy of a letter from Paul Hayes to Matthias Kamber, dated July 29, 2020.

5. Attached as **Exhibit B** is a true and correct copy of a letter from Matthias Kamber to Paul Hayes, dated September 3, 2020.

6. Attached as **Exhibit C** is a true and correct copy of email correspondence from Michael Ercolini to Anna Porto, dated April 7, 2021.

7. Attached as **Exhibit D** is a true and correct copy of email correspondence from Anna Porto to Michael Ercolini, dated April 12, 2021.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct and that this declaration was executed April 15, 2021, at Mill Valley, California.

By: *s/ Andrew Bruns*
Andrew Bruns

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed